

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NESTOR QUINTANA,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 2:22-cv-00947-MMD-NJK

ORDER

Petitioner Nestor Quintana, a *pro se* Nevada inmate, has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing an application for leave to proceed *in forma pauperis* ("IFP"). Quintana submitted a petition for writ of habeas corpus under 28 U.S.C. § 2254 (ECF No. 1-1), but he did not pay the \$5.00 filing fee or submit an IFP application.

Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent inmate to begin a habeas action without paying the \$5.00 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the inmate's financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the inmate and an authorized prison official, and (c) a copy of the inmate's account statement for the six-month period prior to filing. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Quintana will have 45 days from the date of this order to either pay the \$5.00 filing fee or submit a complete IFP application with all required documentation.

It is therefore ordered that the initial screening of Petitioner Nestor Quintana's petition for writ of habeas corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases and consideration of Quintana's motion for appointment of counsel (ECF No. 1-2)


1 are deferred to until such time as he has fully complied with this order.

2 The Clerk of Court is directed to send Quintana a blank IFP application for
3 incarcerated litigants along with *two* copies of this order.

4 It is further ordered that, within 45 days of the date of this order, Quintana must file
5 an IFP application that includes a: (a) financial certificate signed by Quintana and an
6 authorized prison official, (b) financial declaration and acknowledgement signed by
7 Quintana, and (c) copy of Quintana's inmate account statement for the six-month period
8 prior to filing. Alternatively, Quintana must pay the \$5.00 filing fee within 45 days. If
9 Quintana decides to pay the filing fee from his inmate account, Quintana must arrange to
10 have a copy of this order attached to the check for the filing fee.

11 It is further ordered that Quintana's failure to comply with this order within 45 days
12 by (a) submitting a complete IFP application, or (b) paying the \$5.00 filing fee will result
13 in the dismissal of this action without prejudice and without further advance notice.

14 DATED THIS 13th Day of July 2022.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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